



**AGENDA
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, MARCH 18, 2026
6:00 PM
COUNCIL CHAMBERS**

Pledge of Allegiance

Roll Call

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

Disclosure of Ex Parte Communication

Public Hearing

[Variance](#) of Side Yard Set Back in R-6000 at 201 N. 5th Avenue

General Items

1. Approval of Minutes from February 18, 2026

New Business

2. Variance of Side Yard Set Back in R-6000 at 201 N. 5th Avenue

Old Business

3. Sidewalk Discussion
4. Laurel-Yellowstone City-County Planning Board Bylaws

Other Items

Announcements

5. Potential date for next meeting will be April 15, 2026

The City makes reasonable accommodations for any known disability that may interfere with a person's ability to participate in this meeting. Persons needing accommodation must notify the City Clerk's Office to make needed arrangements. To make your request known, please call 406-628-7431, Ext. 5100, or write to City Clerk, PO Box 10, Laurel, MT 59044, or present your request at City Hall, 115 West First Street, Laurel, Montana.

File Attachments for Item:

Variance of Side Yard Set Back in R-6000 at 201 N. 5th Avenue

CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

PUBLIC HEARING NOTICE

The Laurel – Yellowstone City-County Planning Board and Zoning Commission will conduct a public hearing on Wednesday, March 18, 2026, on the following application. The meeting will begin and 6:00 p.m. in the City Council Chambers at City Hall, 115 West First Street, Laurel, Montana.

1. The owner has submitted a request to construct an Accessory Dwelling Unit on the subject property by replacing the existing non-conforming garage. The existing garage and proposed new accessory dwelling unit do not meet the minimum 20-foot side yard setback of 20 feet for corner lots the existing and proposed structures are setback approximately 16 feet from 2nd Street. The property may be described as Lots 19 and 20 Block 12, East Laurel Original Townsite located in Section 9, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana. The property address is 201 5th Avenue, Laurel. The applicant/owner of the property is Drew Nordman.

Public comment is encouraged and can be provided in person at the public hearings on March 18, 2026 and again at the City Council meeting on April 14, 2026. Public comment can also be made via email to the Planning Director, or via letter to the Planning Department office at 115 West 1st Street Laurel, MT 59044. A copy of the applications and supporting documentation is available for review upon request at the Planning Department office. Questions regarding this public hearing may be directed to the Planning Director at 628.4796 ext. 5302, or via email at cityplanner@laurel.mt.gov.

YCN: 2.27.2026, 3.6.2026, 3.13.2026

File Attachments for Item:

1. Approval of Minutes from February 18, 2026

**MINUTES
CITY OF LAUREL
CITY/COUNTY PLANNING BOARD
WEDNESDAY, FEBRUARY 18, 2026**

A City/County Planning board meeting was held in Council Chambers and called to order by County chair Richard Klose at 6:00 pm on February 18, 2026.

Board Members Present:

<u> X </u> Tom Canape	<u> X </u> Richard Herr	<u> X </u> Paul Thomae
<u> X </u> Ron Benner	<u> X </u> Richard Klose	<u> X </u> Mike Waters
<u> X </u> Judy Goldsby	<u> X </u> Jonathan Klasna	

Others Present:

Amber Hatton – Deputy Clerk Treasurer
Forrest Sanderson – Contract Planner
Brittney Harakal – Administrative Assistant

Public Input: *Citizens may address the committee regarding any item of business that is not on the agenda. The duration for an individual speaking under Public Input is limited to three minutes. While all comments are welcome, the committee will not take action on any item not on the agenda.*

Disclosure of Ex Parte Communication - None

Public Hearing - None

General Items

1. **Minutes from January 21, 2026 –**
Motion made by Judy Goldsby to approve January 21, 2026, minutes, seconded by Richard Herr. There was no public comment. Motion passed 8-0.
2. **Appointment of Mike Waters to the Laurel-Yellowstone City-County Planning Board**
Mike Waters introduced himself. Commissioner Mike Waters, District 3 County Commissioner with Yellowstone County for over 1 year. He is happy to be here, and his goal is to have the commission more directly involved in Laurel Planning and the City activities. He is also interested in the City’s annexation process.

New Business

3. Laurel Industrial Park Subdivision 2nd Filing

Forrest Sanderson, Contracted Planner, reviewed the attached staff report.

The Board questioned under the proposed conditions of approval number 6, when the professional engineer designs a sidewalk section and the lot divisions are developed, when will the sidewalk be installed. Does that mean there will be no sidewalk until somebody develops it or is it only in front of that lot that the sidewalk will be done? Is it the entire section of the sidewalk, or is it just for that lot?

Forrest explained, the SIA addresses it where we're dealing with potential industrial development, the heavy truck traffic going across the sidewalks would destroy it. They were not requiring it to be installed upfront. They were requiring it to be installed after the lot was developed. The engineer would design entire section from Washington to the end of the subdivision. When LOT two was developed, they would build that section of sidewalk. So, in theory, you would see the construction go in four separate sections, all to the master engineering design.

The board is concerned based on past developments, if the sidewalk is not developed up front, they may be unfinished, and that section is developed without a sidewalk.

The board also asked about the ditch along East Railroad Street, whether it was an irrigation ditch or a drain ditch and will it be buried? According to Forrest, it's a stormwater transfer ditch. It could be left open or it could be piped, that would be at the owner or developer's discretion.

Ron Benner made a motion to approve and pass on to the City Council, with the amendment in proposed condition number 6, to state that with the development on any lot within the subdivision, the whole sidewalk would be completed with the development of the first lot. The second motion, by Judy Goldsby. There was no public comment. Motion passes 8-0.

Old Business

4. Laurel-Yellowstone City-County Planning board Bylaws

Ron Benner worked on updating the bylaws and presented the bylaws with a redline copy for the board to review. There were a few board members that did not have a chance to review the updated version of the bylaws. There is also a concern on the map in "exhibit A" as being the current map with the jurisdictional boundaries.

Judy Goldsby made a motion to table this until board members have an opportunity to review updated bylaws and current map. Motion was seconded by Richard Herr. There was no public comment. Motion passes 8-0.

Other Items - none

Announcements

5. Next Meeting: March 18, 2026, at 6:00 pm

Adjournment:

Motion by Jonathan Klasna to adjourn the meeting, seconded by Ron Benner. There was no public comment. Motion passed 8-0.

There being no further business to come before the Board at this time, the meeting was adjourned at 6:45 PM.



Amber Hatton

Deputy Clerk Treasurer

File Attachments for Item:

2. Variance of Side Yard Set Back in R-6000 at 201 N. 5th Avenue



Laurel Variance Request Application

This application covers appeals from decisions of the Planning Department (and sometimes other officials) and for requests for variances concerning setbacks, structures, heights, lot coverage, etc.

The undersigned owner or agent of the owner of the following described property requests a variance to the Zoning Ordinances of the City of Laurel as outlined by the laws of the State of Montana.

1. Name of property owner: Drew Nordman
2. Name of Applicant if different from above: _____
3. Phone number of Applicant: (406) 531-3914
4. Street address and general location: 201 5th Ave Laurel MT 59044
5. Legal description of the property: _____
6. Current Zoning: R-6000
7. Provide a copy of covenants or deed restrictions on property.

I understand that the filing fee accompanying this application is not refundable, that it pays part of the cost of process, and that the fee does not constitute a payment for a variance. I also understand I or my agent must appear at the hearing of this request before the Planning Board and all of the information presented by me is true and correct to the best of my knowledge.

Signature of Applicant: 

Date of Submittal: 2/2/2026

Drew Nordman
201 5th Ave Laurel MT 59044
406-531-3914
dnordman2024@hotmail.com

January 23, 2026

City of Laurel Board of Adjustment
115 W. 1st St.
Laurel, MT 59044

RE: Variance Request for 201 5th Ave Laurel MT 59044 – Setback Requirements

Dear Members of the Board of Adjustment,

Please accept this letter as a formal statement of intent for a variance request regarding the property located at **201 5th Ave Laurel MT 59044**. I am proposing to demolish an existing non-conforming detached garage and replace it with a new structure that includes a garage on the ground floor and an Additional Dwelling Unit (ADU) above. I am requesting a variance to maintain the existing garage's current setback of 16ft from the south property line, along W. 2nd St., rather than moving the new structure to meet the updated minimum setback limit of 20ft.

R-6000 zoning establishes minimum setback limits on page 31 of the Laurel City Code Title 17. Due to the property being located on a corner lot the setback limit for “side adjacent to streets” asks for a minimum setback limit of 20ft along adjacent streets which is W. 2nd St. This street, W. 2nd St. should be classified as a “residential local access” or “residential collector 2 lane” according to the street type on Table 16.4.C.1 of the municipal code. The street type determines the right-of-way distance which establishes the appropriate minimum setback limits. Setback limits for “residential local access” require 67ft of right-of-way which would approximate to 12.5ft of minimum setback; while a “residential collector 2 lane” requires 70ft of right-a-way and approximate to 15ft of minimum setback. A minimum setback limit of 20ft would be more appropriate for a road that requires 80ft of right-of-way. Therefore, a minimum setback limit of 20ft would be excessive and undue for properties along W. 2nd St.

Additionally, corner lots face setback limits for two streets rather than one street, which reduces the space of usable property. After examining and measuring 31 proximal corner lots within roughly one block radius of my address, over three quarters of them do not meet the aforementioned setback requirements.

This request for a variance would not be adding any additional buildings to the property. It is simply mirroring the setback limit that the current garage on the property has had for decades, removing one garage and replacing it with another. Maintaining the current setback will allow the visual profile and spacing between buildings to remain consistent with what the neighbors have grown accustomed to.

Per Montana Code Annotated § 76-2-323 and Laurel Municipal Code, I believe this request meets the necessary criteria for a variance due to the following factors:

1. **Unnecessary Hardship & Unique Physical Circumstances:** The existing house and garage were constructed prior to current setback regulations and are already situated outside today's limits. Strict application of the current setbacks would require shifting the new structure significantly into the usable yard space, which is restricted by the existing primary residences position. This creates a physical hardship in utilizing the property for a modern ADU while maintaining functional open space.
2. **Harmony with Neighborhood Character:** The proposed project seeks only to maintain the current setback of a structure that has existed for decades. By keeping the current setback, the visual profile and spacing between buildings that the neighbors have grown accustomed to will remain consistent.
3. **Public Health and Safety:** The variance will not be detrimental to the public welfare. The new structure will be built to current fire and building codes, improving the safety of the site compared to the aging structure it replaces. It will not interfere with the "Clear Vision Triangle" required at alleys or intersections.
4. **Support for Housing Diversity:** This project aligns with the state's intent to allow ADUs "by right" to provide more housing options. Maintaining the existing setback allows for a design that is more architecturally compatible with the site's historical layout.

I have attached a scaled site plan showing the existing non-conforming setbacks and the proposed new structure. Thank you for your time and consideration of this request.

Sincerely,

Drew Nordman

Laurel City Code Title 17, page 31, Dimensional Standards R-6000

Dimensional Standards R-6000	
Minimum lot area per dwelling unit in square feet	
One unit	6,000 ¹
Two unit	7,500
Three unit	8,500
Four unit	10,000
Five unit	N/A
Six units and more	N/A
Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	35
Maximum lot coverage (percentage)	30
Minimum district size (expressed in acres)	2.07

Municipal code: title 16; chapter 16.04; table 16.4.C.1

Table 16.4.C.1. Required Dedications and Street Improvements for Subdivisions:

Street Type	Right-of-Way	Road Width	Lane Width	Parking Width	Turn Lane Width	Median Width	Sidewalk Minimum Width
Principal Arterial							
6 lanes w/ center turn-lane	120'	92'*	12'/14'***	—	14'	—	5'
4 lanes w/ center turn-lane	120'	92'*	12'/14'***	—	14'	—	5'
Minor Arterial							
4 lanes w/ median	100'	68'*	12'	—	—	14'	5'
2 lanes w/ median	100'	52'*	12'	—	—	14'	5'
Commercial Collector							
2 lane	80'	44'*	14'	8'	—	—	5'
2 lanes w/ center turn lane	80'	42'*	14'	—	14'	—	5'
Residential Collector							
2 lane	70'	40'*	12'	8'	—	—	5'
2 lanes w/ center turn lane	80'	50'*	12'	8'	14'	—	5'
Residential Local Access	67'	28'	12	n/s	—	—	5'
Cul-de-Sac 100-600 feet	67'	28'	12	n/s	—	—	5'
Cul-de-Sac <100 feet	40'	24' min.	10	n/s	—	—	—

NORDMAN

201 N 5TH AVE

LAUREL

MONTANA

OWNER

Drew Nordman
dnordman2024@hotmail.com

CONTRACTOR

CONTRACTOR

INDEX OF DRAWINGS

T1.0 TITLE/SITE PLAN
A1.1 MAIN/UPPER LEVEL PLAN
A2.0 ELEVATIONS

6000 SETBACKS

FRONT SETBACK: 20' MIN.
SIDE SETBACK: 5' MIN.
STREET-SIDE: 20' MIN.
REAR SETBACK: 5' MIN.

SCOPE OF WORK

NEW SINGLE FAMILY RESIDENCE

ADOPTED CODES

INTERNATIONAL RESIDENTIAL CODE, 2021 EDITION

GENERAL NOTES

-CONTRACTOR TO VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION

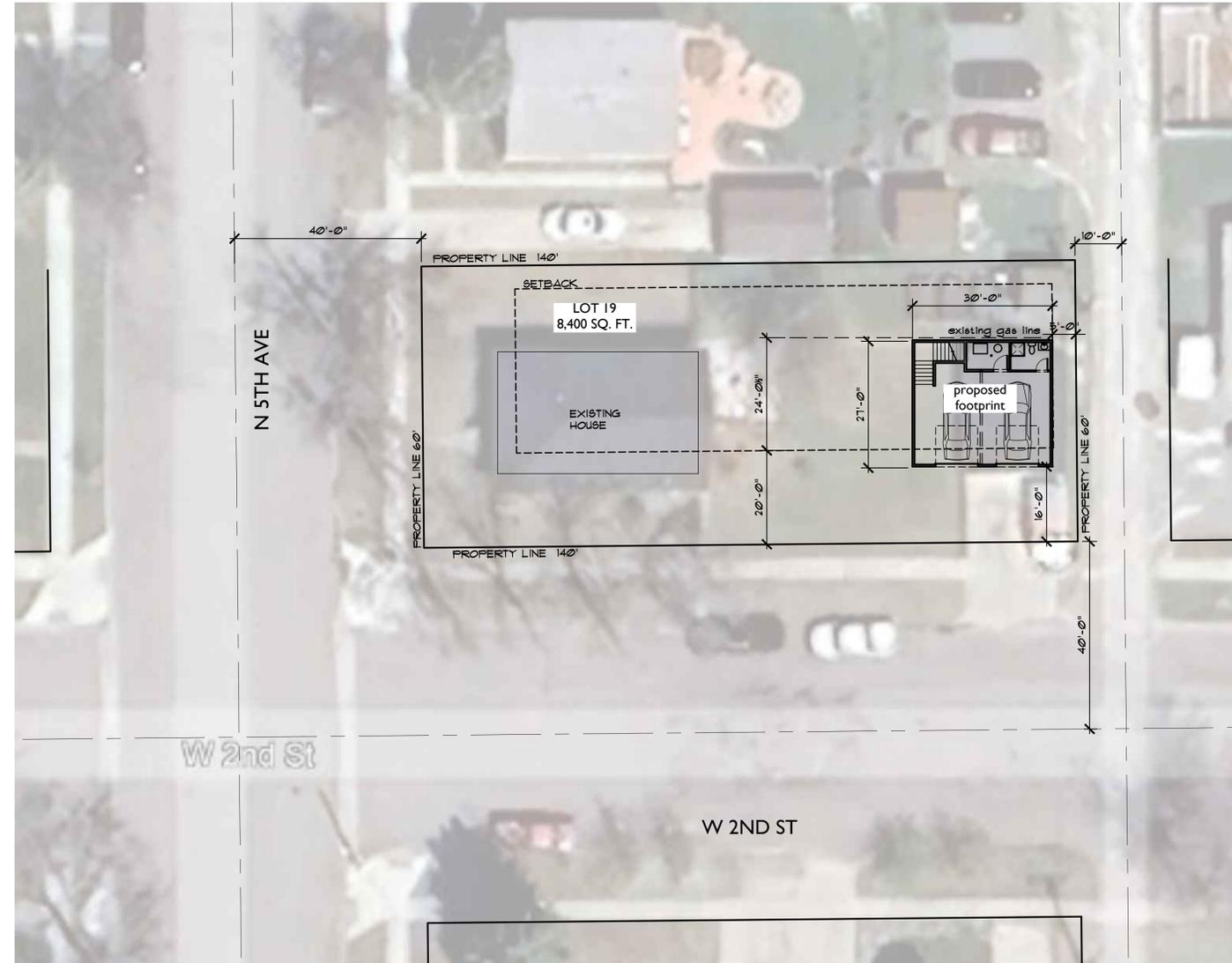
-ALL EXISTING AND FINISHED GRADES AND ELEVATIONS TO BE VERIFIED PRIOR TO CONSTRUCTION

SITE INFO

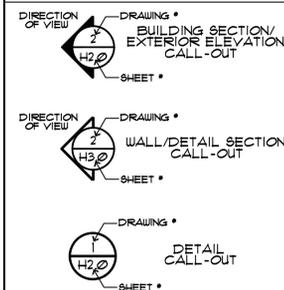
Property Address: 201 N 5TH AVE
Township: 02 S Range: 24 E Section: 09
Subdivision: EAST LAUREL ORIGINAL TOWNSITE Block: 12
Lot: 19
Full Legal: EAST LAUREL ORIGINAL TOWNSITE, S09, T02 S, R24 E, BLOCK 12, Lot 19 - 20

ZONING: R60-Residential 6000
Lot Size: 8400 SF

1st Floor: 1118 SF
RRG3 - Garage, frame, detached, unfinished | 520 3501
RRS1 - Shed, Frame | 120



SYMBOLS LEGEND



1 SITE PLAN
T1.0 SCALE: 1/16"=1'-0"



NORDMAN
ADU
TITLE/ SITE

DATES

REV 12-16-25
REV
REV

SET:

PROJECT NO. 13725
DRAWN BY: ARP
CHECKED BY: JWW

PRELIMINARY

TITLE/ SITE

SHEET

T1.0

17.04.030 – RESIDENTIAL-6000 DISTRICT (R-6000)

The residential-6000 zone is intended to promote an area for a high, urban-density, duplex residential environment on lots that are usually served by a public water and sewer system.

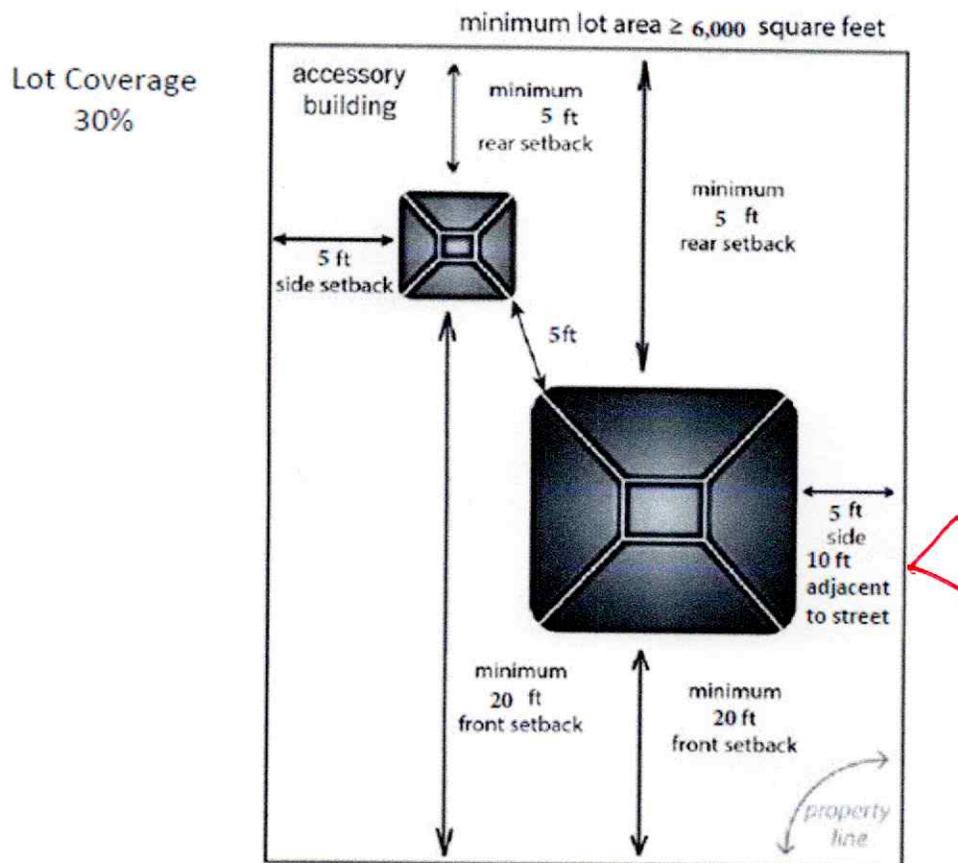
17.04.040 – LIST OF USES

The following Tables designate the Permitted, Conditional, and Dimensional Standards in the R-6000 District.

Allowed Uses R-6000		
<i>Permitted</i>		
Accessory building or use incidental to any permitted residential use customarily in connection with the principal building and located on the same land parcel as the permitted use	Parks, playgrounds, playfields, and golf courses community center buildings— operated by public agency, neighborhood, or homeowners' associations	Automobile parking in connection with a permitted residential use
Animals (see zoning district description for specifics)	Daycare home	Community residential facilities serving eight or fewer persons
Dwellings Single-family	Kennels (noncommercial)	Dwellings Two-family
Home occupations	Greenhouses for domestic uses	Public Service Installations
Schools, public elementary, junior, and senior high schools	Post-Secondary school	
<i>Conditional</i>		
Churches and other places of worship including parish house and Sunday school buildings	Boarding and lodging houses	Cemetery
Orphanages and charitable institutions	Convents and rectories	
Bed and Breakfast inn	Community residential facilities serving nine or more persons	Preschool
	Parking, public	Schools, commercial

Dimensional Standards R-6000	
<i>Minimum lot area per dwelling unit in square feet</i>	
One unit	6,000 ¹
Two unit	7,500
Three unit	N/A
Four unit	N/A
Five unit	N/A
Six units and more	N/A
<i>Minimum yard—setback requirements (expressed in feet) and measured from public right-of-way</i>	
Front	20
Side	5
Side adjacent to streets	20
Rear	5
Maximum height for all buildings	35
Maximum lot coverage (percentage)	30
Minimum district size (expressed in acres)	2.07

Zoning Requirements - R 6,000



CITY HALL
115 W. 1ST ST.
PLANNING: 628-4796
WATER OFC.: 628-7431
COURT: 628-1964
FAX 628-2241

City Of Laurel

P.O. Box 10
Laurel, Montana 59044



Office of the City Planner

VARIANCE REPORT VAR-26-01 Drew Nordman Side -Corner Minimum Setback February 27, 2026

BACKGROUND:

The City of Laurel has had zoning since the early 1970's as authorized by §76-2-301 et. seq MCA. These regulations set minimum and maximum standards for all lands located with the jurisdiction of the City of Laurel. These regulations establish standards for the height, bulk, and location of structures.

The property owner is requesting to construct an Accessory Dwelling Unit (ADU) in the approximate location of the existing non-conforming garage. The subject property address is 201 N 5th Avenue and may be described as Lots 19 and 20 Block12, Laurel Original Townsite, located in Section 9, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana.

The subject property is zoned R-6000, and is adjacent to two public rights-of-way (5th Ave and W 2nd Street). The subject property is developed with a non-conforming residence and a non-conforming garage. The non-conformity at issue in this request is related to the Side Corner Setback Requirements of the Laurel Zoning Regulations. Both the front and side corner setbacks are 20 feet from the public right-of-way.

Both existing structures are protected as 'Legally Existing Non-Conforming Uses'. The non-conforming use section of the Laurel Municipal Code is included in this report. The applicant was aware of this standard at the time of requesting a building permit from the city and has requested a variance as outlined in their application.

The application materials address several other points that outline the anticipated benefits of the project. The application materials are incorporated into this report by reference.

LEGAL DESCRIPTION:

Lots 19 and 20 Block12, Laurel Original Townsite, located in Section 9, Township 02 South, Range 24 East, P.M.M., City of Laurel, Yellowstone County, Montana.

APPLICANT(S):

Drew Nordman
201 5th Ave
Laurel MT 59044

AGENT:

NONE

EXISTING CONDITION:

The subject property is a platted subdivision within the City of Laurel. The property is developed and is served by public water, sewer, streets, and solid waste collection. The property is 8,400 square feet in size.

PROCESS:

- The application for a Variance was submitted on February 2, 2026, and is scheduled for a public hearing on March 18, 2026 by the Laurel Zoning Commission.
- The Zoning Commission following the Public Hearing must adopt findings of fact and issue a formal recommendation to the City Council on the requested variance. The Zoning Commission may propose conditions or modifications to the request so long as the findings of fact support the condition(s).
- Those findings of fact and conclusions as well as the record minutes of the public hearing will be submitted to the City Council for consideration, hearing and final decision.
- The City Council will conduct a duly noticed Public Hearing on the Zoning Commission recommendation, findings of fact, and any conditions mitigating the impacts associated with the request. This hearing will occur later in April.

ZONES INVOLVED: Existing and Proposed

- R-6000 – Residential 6000.
 - The required setbacks for structures are:
 - Front 20feet
 - Side 5 feet
 - Side Corner 20 feet per Text of Regulations
 - Side Corner 10 feet per Dimensional Graphics R-6000
 - Rear 5 feet
 - Text and Graphics R-6000 Attached.
- Rule of Construction of the Laurel Municipal Code and Zoning Regulations.
 - The most restrictive standard is the governing regulation.
 - As such, the 20 foot side yard setback is required to be applied.

➤ Laurel Municipal Code.

✓ Chapter 17.56 - NONCONFORMING USES

✓ 17.56.010 - Nonconforming use designated.

Any lawful use of the land or buildings existing at the date of passage of the ordinance codified in this chapter, and located in a district in which it would not be permitted as a new use under the regulations of this chapter, is declared to be a nonconforming use, and not in violation of this title at the date of adoption of the ordinance codified in this chapter; provided, however, a nonconforming use shall be subject to, and the owner shall comply with the regulations set out in Sections 17.56.020 through 17.56.070.

(Prior code § 17.64.010 (part))

✓ 17.56.020 - Extension of.

The nonconforming use of a building may be extended throughout any part of a building clearly designated for such use but not so used at the date of the adoption of this chapter. No nonconforming use may be extended to occupy any land outside the building nor any additional building not used for such nonconforming use at the date of adoption of the ordinance codified in this chapter. The nonconforming use of land shall not be extended to any additional land not so used at the date of adoption of the ordinances codified in this title.

(Prior code § 17.64.010(A))

✓ 17.56.030 - Additions, repairs and alteration allowed when.

A. No building used for a nonconforming use shall be enlarged, extended, reconstructed, or structurally altered, unless the use is changed to one which complies with the provisions of this chapter; provided, however, permits may be issued for the reconstruction of an existing building to be continued as a nonconforming use if the following conditions are complied with:

1. If a single- or two-family dwelling is presently a nonconforming use, and is located in a residential area, and is destroyed, the dwelling may be rebuilt. However, qualifying dwelling units located on arterial streets or roads must conform to the applicable setback standard;
2. New use would decrease the automobile parking congestion in the area;
3. New use would not increase the cubical contents of the structure, floor area ratio, if such would violate provisions of this chapter;
4. Such reconstruction would be one in accordance with the city building, plumbing, electrical codes and fire prevention code;
5. The issuance of such permit would not violate the provisions of Section 17.56.040 of this chapter.

(Prior code § 17.64.010(B)(part))

(Ord. No. 008-05, 6-17-08)

✓ 17.56.040 - Applicability when building damaged or destroyed.

A. If any building in which there is a nonconforming use is damaged by fire, flood, explosion, wind, war or other catastrophe, in an amount equal to or greater than fifty percent of its assessed valuation, it shall not be again used or reconstructed to be used for any use except one complying with the provisions of this title in which it is located. This

subsection specifically does not apply to nonconforming, one and two-family dwelling units.

- B. In addition, repairs and maintenance work may be carried out each year in an amount not to exceed twenty-five percent of the assessed value of the building for that year. Such repairs and maintenance work shall not increase the cubical content of the building, nor the floor area devoted to the nonconforming use. Nor shall it increase the number of dwelling units provided in a building.
- C. Nothing in this chapter shall be deemed to prevent the strengthening nor repair of a building which may be necessary to restore the building to a safe condition or to improve the sanitary conditions of the building; provided, that such strengthening and repair may not be used to restore a building to the provisions of Section 17.56.040 of this chapter.

(Ord. 06-12 (part), 2006; Ord. 06-06 (part), 2006; prior code § 17.64.010(B) (part), (C))

- ✓ 17.56.050 - Restrictions on moving building.

Any building in which there is a nonconforming use shall not be moved unless it is moved to a district in which the use for which the building was designed is permitted by this title. If any building in which there is a nonconforming use is moved any distance whatsoever, the building shall thereafter be used only in compliance with the provisions of this title for the district in which it is located.

(Prior code § 17.64.010(D))

- ✓ 17.56.060 - Continuance and change.

A nonconforming use may be continued in accordance with the provisions of this chapter, but it shall not be changed to any other use except the one which would be permitted as a new use in the district in which the building is located.

(Prior code § 17.64.010(E))

- ✓ 17.56.070 - Discontinuance.

If for any reason a nonconforming use ceases for a period of six months any new use must conform to the provisions of this title for the district in which the use occurs, and the nonconforming use no longer allowed.

(Ord. 04-5 (part), 2004; prior code § 17.64.010(F))

RATIONAL BASIS FOR VARIANCE:

“Variance” **means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity or zone.**

Findings of Fact: Standard of Review

A recommendation for Approval or Conditional Approval of a Variance shall require the Board of Adjustment making each of the following Findings of Fact:

1. Special Conditions

There are special circumstances or conditions that are peculiar to the land or building for which the Variance is sought that do not apply generally to land or buildings in the neighborhood; and

2. Not Result of Applicant

The special circumstances or conditions have not resulted from an act of the applicant or been established to circumvent this Ordinance; and

3. Strict Application Unreasonable

Due to the special circumstances or conditions, the strict application of this Ordinance would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner; and

4. Necessary to Provide Reasonable Use

Granting the Variance is necessary to provide a reasonable use of the land or building; and

5. Minimum Variance

The Variance is the minimum variance necessary to allow a reasonable use of the land or building; and

6. Not Injurious

Granting the Variance will not be injurious to the neighborhood or detrimental to the public welfare; and

7. Consistent with Ordinance

Granting the Variance is consistent with the purposes and intent of this Ordinance. A variance to the Allowed Uses of a zoning district is prohibited.

CONDITIONS

Conditions or restrictions may be placed on the approval of a Variance.

EXPIRATION

A Variance shall expire one (1) year from the date of approval if the next logical step in the development process is not commenced. The next step in the development process includes but is not limited to applying for a building permit, commencing the use, or applying for a Development Permit.

DISCUSSION:

There are four (4) main issues at play in this request:

1. There is in fact a non-conforming structure in the approximate location for the new proposed non-conforming use. As provided in the LMC the voluntary demolition of the non-conforming use terminates the nonconformity, and all new construction must comply with the prevailing zoning regulations.

2. There is an error between the text and graphics associated with the R-6000 with respect to the required side corner setbacks. The rules of construction of the Zoning Regulations require the administrator to apply the most stringent standard.
3. There appears to be a lack of hardship. Clearly, there is adequate room on the lot to move the proposed ADU to the north and meet the required setbacks of the R-6000. The existence of a service gas line that will most likely need to be excavated to connect the new structure does not rise to the level of hardship as set out in the zoning regulations.
4. State Law mandates that an ADU be allowed in all Residential Zoning Districts. The R-6000 allows an ADU as a permitted use provided all development standards are met. State Law does not mandate a reduction of locally adopted setback standards to accommodate an ADU.

RECOMMENDATION:

That the Zoning Commission Apply the adopted STANDARD OF REVIEW established by the City Council as part of the updated Zoning Regulations for a Variance as well as the long existing language of the Non-Conforming Use Section of the Laurel Municipal Code. Staff Recommends that the Zoning Commission consider each of the seven (7) criteria individually adopt findings related to each criterion and then based on the findings issue a recommendation to the City Council for final action.

File Attachments for Item:

4. Laurel-Yellowstone City-County Planning Board Bylaws

Laurel – Yellowstone County City County Planning Board Bylaws (Red Lined -1)

ARTICLE I

Section 1. Name

The name of this board shall be the Laurel Yellowstone City -County Planning Board (hereinafter referred to as the Board.)

Section 2. Location

The Board offices are located on the second floor of the at Laurel City Hall, 115 West First Street, Laurel, Montana

ARTICLE II

DEFINITION OF TERMS

As used in these by-laws.

1. Board: Laurel Yellowstone City- County Planning Board
2. City: City of laurel
3. City Council: The governing body of the City of Laurel
4. County: Yellowstone County, Montana
5. County Commissioners: The governing body of Yellowstone County
6. Planning Director: The individual so designated by the City of Laurel
7. Plat: A subdivision of land into lots, streets and areas marked upon the earth and represented on paper, and includes re-plats and amended plats.

ARTICLE III

AUTHORITY, POWERS AND DUTIES

Section 1. Authority

The Laurel City-County Planning Board is authorized under Section MCA 76-1-112 (Montana Code Annotated) and the Interlocal Agreement dated 1978 and updated 2014.

Section 2. Powers and Duties

A. Role of the Board

1. To assure the promotion of the public health, safety, convenience, order, the general welfare and for the sake of efficiency and economy in the process of community development, to Planning Board shall prepare a Growth Policy and shall serve in an advisory capacity to the local governing bodies that ~~establishing~~ ed the Planning Board.

2. The role of the Board shall be to recommend planning policy to ~~the~~ Yellowstone County and the City of Laurel within the jurisdictional boundaries assigned to the board by those bodies for action by those bodies. Board decisions hold no authority and are only recommendations. Authority is only derived with action by the appropriate establishing party.
3. The board shall prepare a Growth Policy for the jurisdictional area, as defined in ~~Section~~ MCA 76-1-601 Montana Code Annotated and update the Growth Policy on a regular basis.
4. The Board shall perform other planning related function as requested by the establishing parties hereto.
 - a. Prescribe uniform rules pertaining to hearings.
 - b. Adopt and update by-laws, which set forth the Board’s policies and procedures.
 - c. Review and recommend updates to zoning laws to establishing parties within the board’s jurisdiction area MCA 76-1-108 & 76-2-307.
 - d. Keep an accurate and complete record of all proceedings.
5. The Board may, from time to time, comment upon plans and planning related policies subject to review of adoption by Federal, ~~or~~ State, County or City agencies, and/or may recommend that the County and the City make appropriate comment on the same.

**ARTICLE IV
JURISDICTIONAL AREA**

The jurisdictional area of the Board will include the City of Laurel and the county jurisdictional area identified in Exhibit A.

**ARTICLE V
OBJECTIVES AND POLICIES**

The objectives of the Board, as established by ~~the State Law,~~ MCA 76-1-102 are to enable units of local governments to cooperate in promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, education al and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surrounding for the family life; and the growth of the community be commensurate with the promotion f the efficient and economic use of public funds.

**ARTICLE VI
MEMBERSHIP AND TERMS OF APPOINTMENT**

Section 1. Composition

The Board shall consist of citizens members and may include elected officials.

Section 2. Membership

The Board shall consist of nine (9) members as stated in ~~Section~~ [MCA 76-1-201](#).

- A. Two (2) official members, who reside outside the city limits but within the jurisdictional area of the City-County Planning Board, to be appointed by the Board of County Commissioners, who may in the discretion the Board of County Commissioners by employed by or hold public office in the County.
- B. Two (2) official members who reside within the city limits to be appointed by the City Council, who may in the discretion of the City Council be employed by or hold public office in the city.
- C. Two (2) Citizen members who reside within the city limits to be appointed by the mayor of the city.
- D. Two (2) citizen members who reside within the jurisdictional area of the City-County Planning Board to be appointed by the Board of County Commissioners;
- E. The ninth member to be appointed by the board of supervisors of a conservation district provided for in [MCA 76-15-311](#). If there is no member or associate member of the board of supervisors of a conservation district who is able or willing to serve on the city-county planning board. In that case, the ninth member must be selected by the eight officers and citizen members with the consent and approval of the board of county commissioners and the city council as outlined in [MCA 76-1-201](#)

Section 3. Terms

Members of the Board shall be appointed to 2-year terms pursuant to ~~Section~~ [MCA 76-1-203](#) ~~Montana Code Annotated~~

Section 4. Absences and Removal

- A. ~~Each Member shall inform the Planning Director at least one day before the meeting of his/her inability to attend a Board or Committee meeting. Such an absence shall be considered and excused absence. Board members are encouraged to attend all meeting or notify the President of the Board should they be unable to attend.~~
- B. If any Board member accrues three (3) or more consecutive ~~unexcused~~ absences from regular meetings, notice of which has been given at ~~their~~ his/her usual place of work or residence, or by announcement at a prior meeting ~~attended by him / her~~, the President may call such absences to the attention of the Board, which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term.

Section 5. Vacancies

Vacancies occurring on the Board shall be filled by the governing body having appointed them for the unexpired term.

**ARTICLE VII
BOARD OFFICER, TERMS AND DUTIES**

Section 1. Officers

The officers of the Board shall consist of a President and Vice-President.

Section 2. Election of Officers

The President and Vice- President shall be elected by a majority of the Board member present and voting at the first regular scheduled meeting in January. The terms of office of the President and Vice-President shall commence on February 1.

Section 3. Board President

The President shall preside over all regular and special meeting of the Board and may vote in the case of a tie ~~or to create a tie~~. The President shall also sign such documents and communications of behalf of the Board as the Board may authorize and are of such a nature as to require the signature of the President. The President may in absence delegate such responsibility to the Vice-President. The President shall have the authority to appoint in committees as stated in ARTICLE IX. The President shall be an “ex-officio” member of all committees ~~except the nomination committee~~, shall retain voting rights on these committees, and shall be counted as a member for purposes of comprising a quorum.

Section 4. Board Vice-President

The Vice-President, in the absence of the President, shall preside over any regular or special meeting of the board and at the direction of the President, shall sign such documents and communications on behalf of the Board, as the Board may have authorized the President to sign.

Section 5. Office Vacancy

If the office of the President becomes vacant, then the Vice-President shall fill the unexpired term. On assuming this office, the President shall appoint a nominating committee to present their nomination for Vice-President.

Section 6. Removal of Officers

If the Board votes no confidence in an officer, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

Section 7. Terms of Office

All officers shall serve term of one (1) year. Any officer may serve for successive terms.

Section 8. Director of Planning

- A. The Director of Planning shall be provided by the Interlocal agreement and shall preform duties as assigned by the Board and the establishing agencies.
- B. The Director of Planning duties may include:
 - 1. Keeping true and correct copies of the minutes of all regular and special Board meetings, and the minutes of any committee meeting.
 - 2. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County.
 - 3. Recommending policies, ordinances and resolution which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
 - 4. Representing the Board before any other board~~s~~, commission~~s~~ or committee~~s~~, or citizen's organization~~s~~.
 - 5. Preparing and posting official notices and agendas in the name of the Board.
 - 6. Signing all plats ~~and affixing the official seal of the Board thereon~~, only after such plat has been approved in accordance with the requirement of the Subdivision Regulations, zoning, and variances following adopted polies and procedures of the Board, and only after all requirement have been satisfied.

**ARTICLE VII
MEETINGS, QUORUMS AND PROCEDURES**

Section 1. Regular Meetings

Regular meeting of the Board shall be held monthly at times and dates approved by the board. on the first Thursday of each month at 10:00am in the Laurel City Council Chambers or such other place and times as Meetings shall be advertised in a conspicuous location in the designated posting area at Laurel City Hall and noticed to the public as mandated by the state (MCA 2-3-103).~~on the day of the regular meeting.~~ Regular meetings of the Board and its committees are open to the public and testimony or correspondence may be received from any citizen at any public meeting (MCA 2-3-203). Regular and special meeting shall be recorded and all records shall be available for public inspection during the normal business hours at the Planning Office on the second floor of Laurel City Hall.

Section 2. Meeting Rules

All meetings of the board shall be governed by Roberts Rules of Order. Per this board's decision, Proxy votes are not allowed. All voting must be done in person at the meetings.

Section ~~3~~ 2. Quorums

- A. A majority of the appointed voting members shall constitute a quorum and is required to be physically present to conduct business.
- B. No action of the Board is official, however, unless authorized by a majority of voting Board members in attendance at a regular or properly called special meeting. Official action can only be conducted when there is a quorum present at any meeting.

Section 4 ~~3~~. Special Meetings

Special meetings (except for zoning or subdivision rules or any hearings) of the Board may be called by the President or by any two members upon request to the Planning Director ~~three~~ five (5) working days prior to the date of the special meeting. The Planning Director shall then notify all members of the special meeting and the topics to be considered.

Section 5 ~~4~~. Agendas

The agenda for regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting. Each agenda shall contain the following standing items:

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PREVIOUS MEETING MINUTES
4. PUBLIC COMMENT PERIOD
5. DISCLOSURE OF CONFLICT OF INTERESTS
6. DISCLOSURE OF EX PARTE COMMUNICATION
7. OLD BUSINESS
8. AGENDA ITEMS FOR NEXT BOARD MEETINGS
9. MEETING DATE FOR NEXT MEETING
10. ADJOURNMENT

Section 6 Notice of Meetings and Right to be Heard MCA 2-3-103(1)(c)

Agenda, ~~and~~ copies of the previous minutes of all regular or special meetings shall be distributed to each member of the Board no later than 2 days the Thursday preceding the meeting date. Meeting packets for zoning, subdivisions or variances shall be distributed 5 days preceding the meeting. In addition, all agencies, organization and individuals that may have an legal interest before the board shall be notified of the upcoming meeting. ~~At the beginning of each meeting, the public shall be given the opportunity to address the Board on any item that is not the current agenda. The Board will not take action on the item at the time, but could choose to add the item to the next regular meeting's agenda for discussion.~~

At the beginning of each meeting, the public shall be given the opportunity to address the Board on any item that is not the current agenda. The Board will not take action on the item at the time, but could choose to add the item to the next regular meeting's agenda for discussion.

Section 7 ~~5~~. Public Hearings

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose, pursuant to statutory requirement in a newspaper of general circulation for each hearing held by the Board.

A. Public Hearings for Subdivision, Zoning or Variances or other items

1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one is in favor or in opposition to the application appears at the hearing. If the Board receives a written request from the subdivider 24 hours prior to the public hearing, to continue such hearing at a later time or to withdraw or to postpone the application, the Board may choose to do so.
2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a party of the record.
- ~~3. Each preliminary plat application shall be heard in the following order~~
 - ~~a. A Planning Department staff member shall summarize pertinent data and present or amplify the recommendation of staff and department heads.~~
 - ~~b. The applicant, or his representative shall present the application to the Board and summarize the proposed subdivision and if applicable, the following criteria of public interest:~~
 - ~~i. Effects of Agriculture~~
 - ~~ii. Effect on Local Services~~
 - ~~iii. Effects on the Natural Environment~~
 - ~~iv. Effects on Wildlife and Habitat~~
 - ~~v. Effects on Public Health and Safety~~
 - ~~vi. Effects on Agricultural User Facilities~~
 - ~~c. Persons in favor or opposed to the application shall be heard or written comments received until the close of the public hearing.~~

~~B. Other Public Hearings~~

3. All ~~other~~ public hearings shall be conducted in accordance with the following procedure:
 - a. Chairman introduction
 - b. Staff presentation of item with summary of pertinent data, recommendations of staff department heads and findings of fact as outlined in item B – below
 - ~~c. Applicant or applicant's representative shall present the application to the Board and summarize the benefits to the Board.~~ presentation of item
 - ~~d. Open the floor for written or oral comment (-Proponents and Opponents will be called for three (3) times.)~~
 - e. Open the floor for written or oral comments – Opponents.
 - f. Staff and applicants may respond, only if necessary
 - g. Close the public hearing

B. Staff shall present their responses to the following findings, dependent on hearing type during their opening report as well as present these items and their responses to the board as part of the board meeting packets prior to the hearing:

1. For Zoning and Annexation Staff will present their findings of fact for the 12-Point Zoning test:
 - a. Is this in accordance with the growth policy?
 - b. Is this designed to lessen congestion in the streets?
 - c. Is this designed to secure safety from fire, panic and other dangers?
 - d. Is this designed to promote health and general welfare?
 - e. Is this designed to provide adequate light and air?
 - f. Is this designed to prevent the overcrowding of land?
 - g. Is this designed to avoid undue concentration of population?
 - h. Is this designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?
 - i. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses?
 - j. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses?
 - k. Will the zoning conserve the value of buildings?
 - l. Will the zoning encourage the most appropriate use of land throughout the municipality?

2. For Variances, staff will present their findings of fact for the following:
 - a. Are there special circumstances or condition that are peculiar to the land or building for with the Variance is sought that do not apply generally to land or buildings in the neighborhood?
 - b. The special circumstances or condition have not resulted from an act of the applicant or been established to circumvent this ordinance?
 - c. Due to the special circumstances or conditions, the strict application of this ordinance would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner?
 - d. Granting the variance is necessary to provide a reasonable use of the land or building?
 - e. The variance is the minimum variance necessary to allow a reasonable use of the land or building?
 - f. Granting the variance will not be injurious to the neighborhood or detrimental to the public welfare?
 - g. Granting the variance is consistent with the purpose and intent of this ordinance. A variance to the **Allowed Uses** of a zoning district is prohibited.

3. For Subdivisions, staff will present their findings of fact on the following
 - a. Effect on Agriculture and Agricultural Water Users Facilities?
 - b. Effect on Local Services?
 - c. Effect on the Natural Environment
 - d. Effect on Wildlife and Wildlife Habitat?
 - e. Effect on the Public Health, Safety, and Welfare?

**ARTICLE IX
COMMITTEES AND ADVISORY COMMITTEES**

Section 1. Committees

The President is responsible for selecting the chairman and individual members of the committees.

Special Committees for any purpose may be appointed by the President or created by the motion of the Board to create and direct the President to appoint its members.

Section 2. Committee Action

In no case shall a committee take official action unless a quorum is present.

**ARTICLE X
LEGAL ASSISTANCE**

The Board shall seek legal assistance from the attorneys for the appropriate governing body.

**ARTICLE XI
MISCELLANEOUS**

Section 1. Conflict of Interest

Any Member(s) having a financial or personal interest in a matter before the board for discussion or vote shall publicly disclose the nature and extend of such interest and refrain from any ~~absent himself from the meeting until~~ discussion on the matter has ended and a vote, if any, is taken. In such circumstance, the secretary shall note in the minutes that a conflict of interest was acknowledged and the board member(s) ~~was absent during the~~ did not participate in any discussion or and voting.

Laurel – Yellowstone County City County Planning Board Bylaws

ARTICLE I

Section 1. Name

The name of this board shall be the Laurel Yellowstone City -County Planning Board (hereinafter referred to as the Board.)

Section 2. Location

The Board offices are located at Laurel City Hall, 115 West First Street, Laurel, Montana

ARTICLE II DEFINITION OF TERMS

As used in these by-laws.

1. Board: Laurel Yellowstone City- County Planning Board
2. City: City of laurel
3. City Council: The governing body of the City of Laurel
4. County: Yellowstone County, Montana
5. County Commissioners: The governing body of Yellowstone County
6. Planning Director: The individual so designated by the City of Laurel
7. Plat: A subdivision of land into lots, streets and areas marked upon the earth and represented on paper, and includes re-plats and amended plats.

ARTICLE III AUTHORITY, POWERS AND DUTIES

Section 1. Authority

The Laurel City-County Planning Board is authorized under MCA [76-1-112](#) (Montana Code Annotated) and the Interlocal Agreement dated 1978 and updated 2014.

Section 2. Powers and Duties

A. Role of the Board

1. To assure the promotion of the public health, safety, convenience, order, the general welfare and for the sake of efficiency and economy in the process of community development, to Planning Board shall prepare a Growth Policy and shall serve in an advisory capacity to the local governing bodies that established the Planning Board.

2. The role of the Board shall be to recommend planning policy to Yellowstone County and the City of Laurel within the jurisdictional boundaries assigned to the board by those bodies. Board decisions hold no authority and are only recommendations. Authority is only derived with action by the appropriate establishing party.
3. The board shall prepare a Growth Policy for the jurisdictional area, as defined in MCA [76-1-601](#) and update the Growth Policy on a regular basis.
4. The Board shall perform other planning related function as requested by the establishing parties hereto.
 - a. Prescribe uniform rules pertaining to hearings.
 - b. Adopt and update by-laws, which set forth the Board's policies and procedures.
 - c. Review and recommend updates to zoning laws to establishing parties within the board's jurisdiction area MCA [76-1-108](#) & [76-2-307](#).
 - d. Keep an accurate and complete record of all proceedings.
5. The Board may, from time to time, comment upon plans and planning related policies subject to review of adoption by Federal, State, County or City agencies, and/or may recommend that the County and the City make appropriate comment on the same.

**ARTICLE IV
JURISDICTIONAL AREA**

The jurisdictional area of the Board will include the City of Laurel and the county jurisdictional area identified in [Exhibit A](#).

**ARTICLE V
OBJECTIVES AND POLICIES**

The objectives of the Board, as established by [MCA 76-1-102](#) are to enable units of local governments to cooperate in promoting the orderly development of those units and their environs by planning for the improvement of the present health, safety, convenience, and welfare of their citizens and the future development of their communities to the end that highway systems be carefully planned, that new community centers grow only with adequate highway, utility, health, educational and recreational facilities; that the needs of agriculture, industry and business be recognized in future growth; that residential areas provide healthy surrounding for the family life; and the growth of the community be commensurate with the promotion of the efficient and economic use of public funds.

**ARTICLE VI
MEMBERSHIP AND TERMS OF APPOINTMENT**

Section 1. Composition

The Board shall consist of citizens members and may include elected officials.

Section 2. Membership

The Board shall consist of nine (9) members as stated in MCA [76-1-201](#).

- A. Two (2) official members, who reside outside the city limits but within the jurisdictional area of the City-County Planning Board, to be appointed by the Board of County Commissioners, who may in the discretion the Board of County Commissioners by employed by or hold public office in the County.
- B. Two (2) official members who reside within the city limits to be appointed by the City Council, who may in the discretion of the City Council be employed by or hold public office in the city.
- C. Two (2) Citizen members who reside within the city limits to be appointed by the mayor of the city.
- D. Two (2) citizen members who reside within the jurisdictional area of the City-County Planning Board to be appointed by the Board of County Commissioners;
- E. The ninth member to be appointed by the board of supervisors of a conservation district provided for in MCA [76-15-311](#). If there is no member or associate member of the board of supervisors of a conservation district who is able or willing to serve on the city-county planning board. In that case, the ninth member must be selected by the eight officers and citizen members with the consent and approval of the board of county commissioners and the city council as outlined in MCA [76-1-201](#).

Section 3. Terms

Members of the Board shall be appointed to 2-year terms pursuant to MCA [76-1-203](#) ~~Montana Code Annotated~~

Section 4. Absences and Removal

- A. Board members are encouraged to attend all meeting or notify the President of the Board should they be unable to attend.
- B. If any Board member accrues three (3) or more consecutive absences from regular meetings, notice of which has been given at their usual place of work or residence, or by announcement at a prior meeting, the President may call such absences to the attention of the Board, which may then recommend to the appointing authority that such member be asked to resign and that another person be appointed to serve out the unexpired term.

Section 5. Vacancies

Vacancies occurring on the Board shall be filled by the governing body having appointed them for the unexpired term.

**ARTICLE VII
BOARD OFFICER, TERMS AND DUTIES**

Section 1. Officers

The officers of the Board shall consist of a President and Vice-President.

Section 2. Election of Officers

The President and Vice- President shall be elected by a majority of the Board member present and voting at the first regular scheduled meeting in January. The terms of office of the President and Vice-President shall commence on February 1.

Section 3. Board President

The President shall preside over all regular and special meeting of the Board and may vote in the case of a tie. The President shall also sign such documents and communications of behalf of the Board as the Board may authorize and are of such a nature as to require the signature of the President. The President may in absence delegate such responsibility to the Vice-President. The President shall have the authority to appoint committees as stated in **ARTICLE IX**. The President shall be an “ex-officio” member of all committees, shall retain voting rights on these committees, and shall be counted as a member for purposes of comprising a quorum.

Section 4. Board Vice-President

The Vice-President, in the absence of the President, shall preside over any regular or special meeting of the board and at the direction of the President, shall sign such documents and communications on behalf of the Board, as the Board may have authorized the President to sign.

Section 5. Office Vacancy

If the office of the President becomes vacant, then the Vice-President shall fill the unexpired term. On assuming this office, the President shall appoint a nominating committee to present their nomination for Vice-President.

Section 6. Removal of Officers

If the Board votes no confidence in an officer, a motion to remove said officer shall be brought before the Board at its next meeting. Should the motion pass, a new officer shall be elected to serve the remainder of the term of office.

Section 7. Terms of Office

All officers shall serve term of one (1) year. Any officer may serve for successive terms.

Section 8. Director of Planning

- A. The Director of Planning shall be provided by the Interlocal agreement and shall preform duties as assigned by the Board and the establishing agencies.
- B. The Director of Planning duties may include:
 - 1. Keeping true and correct copies of the minutes of all regular and special Board meetings, and the minutes of any committee meeting.
 - 2. Administering the affairs of the Board in accordance with adopted Board policies and policies of the County.
 - 3. Recommending policies, ordinances and resolution which may be necessary to accomplish the objectives of the Board and implement the goals of the Growth Policy.
 - 4. Representing the Board before any other boards, commissions or committees, or citizen's organizations.
 - 5. Preparing and posting official notices and agendas in the name of the Board.
 - 6. Signing all plats, only after such plat has been approved in accordance with the requirement of the Subdivision Regulations, zoning, and variances following adopted polies and procedures of the Board, and only after all requirement have been satisfied.

**ARTICLE VII
MEETINGS, QUORUMS AND PROCEDURES**

Section 1. Regular Meetings

Regular meeting of the Board shall be held monthly at times and dates approved by the board. Meetings shall be advertised in a conspicuous location in the designated posting area at Laurel City Hall and noticed to the public as mandated by the state, MCA [2-3-103](#). Regular meetings of the Board and its committees are open to the public and testimony or correspondence may be received from any citizen at any public meeting. MCA [2-3-203](#). Regular and special meeting shall be recorded and all records shall be available for public inspection during the normal business hours at the Planning Office on the second floor of Laurel City Hall.

Section 2. Meeting Rules

All meetings of the board shall be governed by Roberts Rules of Order. Per this board's decision, Proxy votes are not allowed. All voting must be done in person at the meetings.

Section 3. Quorums

- A. A majority of the appointed_voting members shall constitute a quorum and is required to be physically present to conduct business.
- B. No action of the Board is official, however, unless authorized by a majority of voting Board members in attendance at a regular or properly called special meeting. Official action an only be conducted when there is a quorum present at any meeting.

Section 4. Special Meetings

Special meetings (except for zoning or subdivision rules or any hearings) of the Board may be called by the President or by any two members upon request to the Planning Director five (5) working days prior to the date of the special meeting. The Planning Director shall then notify all members of the special meeting and the topics to be considered.

Section 5. Agendas

The agenda for regular meeting will be closed at 5:00 p.m. three (3) working days prior to the date of the meeting. Each agenda shall contain the following standing items:

1. CALL TO ORDER
2. APPROVAL OF AGENDA
3. PREVIOUS MEETING MINUTES
4. PUBLIC COMMENT PERIOD
5. DISCLOSURES OF CONFLICT OF INTERESTS
6. DISCLOSURE OF EX PARTE COMMUNICATION
7. OLD BUSINESS
8. AGENDA ITEMS FOR NEXT BOARD MEETINGS
9. MEETING DATE FOR NEXT MEETING
10. ADJOURNMENT

Section 6. Notice of Meetings and Right to be Heard [MCA 2-3-103\(1\)\(c\)](#)

Agenda, copies of the previous minutes of all regular or special meetings shall be distributed to each member of the Board no later than 2 days preceding the meeting date. Meeting packets for zoning, subdivisions or variances shall be distributed 5 days preceding the meeting. In addition, all agencies, organization and individuals that may have a legal interest before the board shall be notified of the upcoming meeting.

At the beginning of each meeting, the public shall be given the opportunity to address the Board on any item that is not the current agenda. The Board will not take action on the item at the time, but could choose to add the item to the next regular meeting’s agenda for discussion.

Section 7. Public Hearings

The Board shall cause to be published a Notice of Public Hearing containing the date, time, location, and purpose, pursuant to statutory requirement in a newspaper of general circulation for each hearing held by the Board.

- A. Public Hearings for Subdivision, Zoning or Variances or other items
 1. When a preliminary plat application is set for a public hearing pursuant to a public notice, the matter shall be heard even though no one is in favor or in opposition to the application appears at the hearing. If the Board receives a written request from the subdivider 24 hours prior to the public hearing, to continue such hearing at a later time or to withdraw or to postpone the application, the Board may choose to do so.

2. Each person who speaks at the public hearing shall stand and furnish his/her name and address to the Board and shall thereby become a party of the record.
3. All public hearings shall be conducted in accordance with the following procedure:
 - a. Chairman introduction
 - b. Staff presentation of item with summary of pertinent data, recommendations of staff department heads and findings of fact as outlined in item B – below
 - c. Applicant or applicant’s representative shall present the application to the Board and summarize the benefits to the Board.
 - d. Open the floor for written or oral comment -Proponents.
 - e. Open the floor for written or oral comments – Opponents.
 - f. Staff and applicants may respond, only if necessary
 - g. Close the public hearing

B. Staff shall present their responses to the following findings, dependent on hearing type during their opening report as well as present these items and their responses to the board as part of the board meeting packets prior to the hearing:

1. For Zoning and Annexation Staff will present their findings of fact for the 12-Point Zoning test:
 - a. Is this in accordance with the growth policy?
 - b. Is this designed to lessen congestion in the streets?
 - c. Is this designed to secure safety from fire, panic and other dangers?
 - d. Is this designed to promote health and general welfare?
 - e. Is this designed to provide adequate light and air?
 - f. Is this designed to prevent the overcrowding of land?
 - g. Is this designed to avoid undue concentration of population?
 - h. Is this designed to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements?
 - i. Does the zoning give reasonable consideration to the character of the district and its peculiar suitability for particular uses?
 - j. Does the zoning give reasonable consideration to the peculiar suitability of the property for its particular uses?
 - k. Will the zoning conserve the value of buildings?
 - l. Will the zoning encourage the most appropriate use of land throughout the municipality?
2. For Variances, staff will present their findings of fact for the following:
 - a. Are there special circumstances or condition that are peculiar to the land or building for with the Variance is sought that do not apply generally to land or buildings in the neighborhood?
 - b. The special circumstances or condition have not resulted from an act of the applicant or been established to circumvent this ordinance?

- c. Due to the special circumstances or conditions, the strict application of this ordinance would deprive the applicant of reasonable use of the land or building or create an undue hardship on the landowner?
 - d. Granting the variance is necessary to provide a reasonable use of the land or building?
 - e. The variance is the minimum variance necessary to allow a reasonable use of the land or building?
 - f. Granting the variance will not be injurious to the neighborhood or detrimental to the public welfare?
 - g. Granting the variance is consistent with the purpose and intent of this ordinance. A variance to the **Allowed Uses** of a zoning district is prohibited.
3. For Subdivisions, staff will present their findings of fact on the following
- a. Effect on Agriculture and Agricultural Water Users Facilities?
 - b. Effect on Local Services?
 - c. Effect on the Natural Environment
 - d. Effect on Wildlife and Wildlife Habitat?
 - e. Effect on the Public Health, Safety, and Welfare?

**ARTICLE IX
COMMITTEES AND ADVISORY COMMITTEES**

Section 1. Committees

The President is responsible for selecting the chairman and individual members of the committees.

Special Committees for any purpose may be appointed by the President or created by the motion of the Board to create and direct the President to appoint its members.

Section 2. Committee Action

In no case shall a committee take official action unless a quorum is present.

**ARTICLE X
LEGAL ASSISTANCE**

The Board shall seek legal assistance from the attorneys for the appropriate governing body.

**ARTICLE XI
MISCELLANEOUS**

Section 1. Conflict of Interest

Any Member(s) having a financial or personal interest in a matter before the board for discussion or vote shall publicly disclose the nature and extend of such interest and refrain from any discussion on the matter. In such circumstance, the secretary shall note in the minutes that a conflict of interest was acknowledged and the board member(s) did not participate in any discussion or voting.